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LEGISLATIVE HISTORY

PUBLIC LAW 86-238

H.R. 6000

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INDEX AND SUMMARY OF H. R. 6000

Mar. 24,	1959	Rep. Celler introduced H. R. 6000 which was referred to House Committee on the Judiciary. Print of bill as introduced.
Apr. 29,	1959	House committee reported H. R. 6000 with amendment. House Report 323. Print of bill and House report.
May 18,	1959	House passed H. R. 6000 as reported.
May 19,	1959	House committee referred H. R. 6000 to Senate Committee on the Judiciary. Print of bill as referred.
Aug. 21,	1959	Senate committee reported H. R. 6000 with amendments. Senate Report 797. Print of bill and Senate report.
Aug. 24,	1959	Senate passed H. R. 6000 as reported.
Aug. 27,	1959	House concurred in Senate amendments to H. R. 6000.
Sept. 8,	1959	Approved: Public Law 86-238.

DIGEST OF PUBLIC LAW 86-238

ADMINISTRATIVE SETTLEMENT OF TORT CLAIMS. Increases from \$1000 to \$2500 the limit for administrative settlement of tort claims by the head of such Federal department of agency, or his designee.

H. R. 6000

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1959

Mr. CELLER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$3,000.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the first paragraph of section 2672 of title 28, United
4 States Code, is amended by striking out "\$1,000", and by
5 inserting in lieu thereof "\$3,000".

I

A BILL

To amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$3,000.

By **Mr. Celler**

March 24, 1959

Referred to the Committee on the Judiciary

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued April 30, 1959

For actions of April 29, 1959

86th-1st. No. 67

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HIGHLIGHTS: House subcommittee ordered reported wheat bill. Senate debated second supplemental appropriation bill. House agreed to consider veto of REA loan approval bill on Thursday. Rep. Johnson, Wisc., urged enactment of dairy income stabilization program.

HOUSE

- 1. ELECTRIFICATION.** Received from the President the veto message on S. 144, to give the REA Administrator additional authority over the approval of loans, and agreed to consider it today, Apr. 30. pp. 6321-2

Rep. Lane criticized certain aspects of reciprocal trade, stated that American industry is being "undermined" because "an agency of the Federal Government does not have the authority under existing law to insist that the recipients of its loans shall 'Buy American,'" referred to an REA loan to a Texas cooperative, part of which money was used to buy a Swiss generator, and urged that tariffs be raised "for the protection of our imperilled industries." pp. 6397-8.
- 2. DAIRY INDUSTRY.** Rep. Johnson, Wisc., criticized the Secretary for spending "\$5 for every \$1 spent by his predecessors" while "net farm income has fallen from \$15.3 billion in 1952 to \$13.2 billion in 1958," stated that the dairy farmer was "one of the lowest men on the farm income totem pole," and discussed his dairy marketing bill to "establish the support level of 90% of parity for butterfat and manufacturing milk," to establish "a system of marketing quotas," and to give the milk producers an opportunity to vote on acceptance of the plan. p. 6379

3. PUBLIC LAND. Received from Interior a proposed bill "to authorize the classification, segregation, and disposal of public lands chiefly valuable for urban and business purposes"; to the Interior and Insular Affairs Committee. p. 6399
 4. CLAIMS. The Judiciary Committee reported with amendment H. R. 6000, to increase the limit for administrative settlement of claims against the U. S. under the tort claims procedure to \$3,000 (H. Rept. 323). p. 6399
 5. WHEAT. The Daily Digest said "the Wheat Subcommittee of the Agriculture Committee met in executive session and ordered favorably reported to the full committee H. R. 6737 (amended), to amend the Agricultural Act of 1949, as amended, the Agricultural Adjustment Act of 1938, as amended, and Public Law 74 (75th Cong.), as amended." p. D299
 6. NATIONAL FLOWER. Rep. Price inserted a poem on the corn tassel and Rep. Rogers urged adoption of the carnation as the national flower. pp. 6383, 6394
 7. RECLAMATION. This office has obtained, for reference and lending purposes, a few copies of a "committee print" of the House Committee on Interior and Insular Affairs, "Reclamation -- Accomplishments and Contributions." The publication was prepared by the Legislative Reference Service, at the request of several committee members, for the specific purpose of setting forth the favorable aspects of the reclamation program. The introduction states: "It presents a factual account of the achievements and contributions of the Federal reclamation program, including its history and background; physical accomplishments; contributions to the local, western, and national economies; feasibility, including costs and repayment; cooperation and coordination with local, State, and other Federal agencies; and a comparison of the reclamation program with other Federal public works programs."
- SENATE
8. SECOND SUPPLEMENTAL APPROPRIATION BILL. Continued debate on this bill, H. R. 5916. No action was taken on items affecting this Department. pp. 6276-81, 6282-6, 6292-3, 6305-11
 9. AIR POLLUTION. Passed with amendments S. 441, to continue for four years, until July 1, 1964, the Federal air-pollution control law. pp. 6264-7
 10. WATER COMPACT. Passed without amendment S. 548, to grant the consent of Congress to a Great Lakes Basin Compact for the development and use of the water of the basin. pp. 6273-5
 11. PERSONNEL. At the request of Sen. Engle, passed over S. 91 and H. R. 460, to limit to cases involving the national security the prohibition on payment of retirement annuities to Federal employees. pp. 6262, 6268
 12. MILK. At the request of Sen. Engle, passed over S. 1289, to increase and extend the special milk program for children. p. 6269
At the request of Sen. Engle, passed over S. 753, to authorize cooperative associations of milk producers to bargain with purchasers singly or in groups. pp. 6269, 6276
 13. RESEARCH; SURPLUS COMMODITIES. At the request of Sen. Keating, passed over S. 690, to provide for research on increased use of agricultural products for industrial purposes. p. 6269

AMENDMENT OF TITLE 28 OF THE UNITED STATES CODE TO INCREASE THE LIMIT FOR ADMINISTRATIVE SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES UNDER TORT CLAIMS PROCEDURE

APRIL 29, 1959.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 6000]

The Committee on the Judiciary, to which was referred the bill (H.R. 6000) to amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$3,000, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Strike all after the enacting clause and insert:

That title 28 of the United States Code is amended as follows:

“(1) Section 2672 is amended as follows:

“(A) The catchline is amended to read as follows:

“‘§2672. Administrative adjustment of claims of \$2,000 or less.’

“(B) The first paragraph of section 2672 is amended by striking out ‘\$1,000’, and by inserting in lieu thereof ‘\$2,000’.

“(2) The analysis of chapter 171 is amended by striking out the following item:

“‘2672. Administrative adjustment of claims of \$1,000 or less.’

and by inserting the following item in place thereof:

“‘2672. Administrative adjustment of claims of \$2,000 or less.’

“(3) Subsection (b) of section 2401 of title 28, United States Code, is amended by striking out ‘\$1,000’ wherever it appears in such subsection, and by inserting in lieu thereof ‘\$2,000’.”

PURPOSE

The purpose of the proposed legislation, as modified by the recommendations of the committee, is to amend section 2672 of title 28 of the United States Code so as to increase the limit for administrative

settlement of tort claims against the Government from \$1,000 to \$2,000; and to amend section 2401 of the same title so that its references to administrative settlement will state the same figure.

STATEMENT

H.R. 6000 was introduced in accordance with the recommendations of an executive communication transmitted to the Congress by the Post Office Department. That Department urged that the limit contained in section 2672 of title 28 authorizing the administrative settlement of tort claims asserted against the Government be increased to \$3,000 on the practical ground that many of the claims now being filed in the Federal courts could be settled administratively if the limit was raised to that amount. It was pointed out that in many instances just property damage claims for amounts over \$1,000 must be filed in court because the costs for material and labor in repairing the damage to late model cars under present day conditions exceed the \$1,000 limitation now stated in the law. A similar situation has been encountered as regards personal injury claims where the cost of medical attention and the loss of time from work result in claims which exceed \$1,000 and involve claims which could be reasonably settled administratively if the limit were increased.

This committee has considered the proposed increase provided for in the bill, and agrees that present-day conditions require that there be an increase in the limit for administrative settlement. However, after a consideration of all of the factors, the committee has concluded that the limit should be fixed at \$2,000 rather than the \$3,000 figure. The \$2,000 limit provides for a realistic adjustment in the light of present-day conditions, and yet does not unduly increase the authority for administrative settlement. Administrative settlements are handled by the head of each Federal agency or his designee. This means that claims settled under this authority would not generally come to the attention of the Justice Department when another department or agency was concerned. The committee feels that where claims exceed \$2,000 the normal procedures available in court proceedings become increasingly important. When tort claims cases are filed in court the Attorney General is authorized to settle such cases under section 2677 of title 28 with the approval of the court. When such an action is commenced in a court, the matter is subject to the control of the court, procedures for depositions and discovery under the Federal Rules of Civil Procedure are available, and the settlement is subject to the approval of the court.

These considerations which apply most forcefully to claims over \$2,000 must be balanced with the need for expeditious administrative settlement, and the committee has determined that the \$2,000 figure is the appropriate limitation. Claimants who are required to file suit under the tort claims provisions of title 28 may be faced with the problem of crowded dockets in many of our U.S. district courts. The communication of the Post Office Department observed that the crowded dockets in some of the more densely populated districts result in delays in bringing cases to trial which may involve periods of up to 4 or 5 years. The increase in the limit for administrative settlement authority as contained in section 2672 would make it possible to settle numbers of the claims which would otherwise have to be

filed as suits against the Government. This would have the further effect of reducing the number of cases on the dockets of the courts, and in reducing the time involved by both the Federal courts and the U.S. attorneys in negotiating settlements in such cases.

The Post Office Department letter also indicated that the Department of Justice, the Department of Commerce, the Department of Defense, the Department of the Treasury, the Department of Labor, the Department of Agriculture, the Department of Health, Education, and Welfare, the Veterans' Administration, the General Services Administration, the Atomic Energy Commission, and the Comptroller General of the United States have joined with the Department of the Post Office in urging an increase in the limit for administrative settlement of tort claims as provided for in section 2672 of title 28.

An amendment of the limit for administrative settlement in section 2672 also requires a corresponding amendment to the reference to administrative settlement contained in section 2401. The committee therefore recommends that the limit be shown as "\$2,000" in each of the two places in subsection (b) of section 2401 that refer to the amount fixed as the limit for administrative settlement.

The committee recommends that the bill, amended to conform to the recommendations of the committee, be considered favorably.

The executive communication of the Post Office Department is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., March 20, 1959.

HON. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a proposal to amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$3,000. The present law (18 U.S.C., sec. 2672) permits the administrative settlement of these claims up to \$1,000.

During the past 3 years, 147 of 244 postal cases were settled for sums between \$1,000 and \$3,000 by the U.S. attorneys, after suit had been filed in the Federal courts. In most instances, this Department could probably have settled these claims in a substantially shorter period of time.

With the rising costs of material and labor and the consequent increase in costs of replacing or repairing the later model motor vehicles, many claimants, with just property damage claims, are forced to institute suits in the Federal courts to recover damages because of the limitation existing in the present law. In those cases involving personal injury which necessitated extensive medical attention and considerable loss of time from work, claimants have also been forced to file suit in the Federal courts instead of filing administrative claims.

We are aware of the efforts of the Attorney General to speed up the disposition of cases pending before the Federal courts. The dockets of those courts today are crowded and in many instances in the more densely populated districts, claimants are required to wait 4 or 5 years before their cases can be brought to trial. If the authority of the head of each Federal agency, or his designee, to settle these claims

is increased from \$1,000 to \$3,000, it will have the effect of benefiting both the Federal courts and the U.S. attorneys by reducing the number of cases on the dockets and the time necessarily involved by both the Federal courts and the U.S. attorneys in negotiating settlements. At the present time there are approximately 625 tort suits pending in the Federal courts arising out of the alleged negligent operation of the postal service. As a result of these suits there is a potential liability against the United States of \$18,009,309. We believe that a considerable number of these cases would not have been instituted had there been authority to settle cases up to \$3,000.

Enactment of this proposed legislation will not increase the cost of operating the postal service. It should result in a savings to the Department of Justice and to the Federal courts.

Originally this Department proposed to amend the law so as to authorize the Postmaster General to adjust claims of \$3,000 or less. In advising this Department with respect to the legislative proposal the Bureau of the Budget stated that as all agencies generally endorse the proposal to increase the limitation from \$1,000 to \$3,000 the proposal should be amended to make it applicable governmentwide; that there would be no objection to the submission of such legislation to the Congress.

Information submitted by the Bureau of the Budget indicates that the Department of Justice, the Department of Commerce, the Department of Defense (through the Department of the Navy), the Department of the Treasury, the Department of Labor, the Department of Agriculture, the Department of Health, Education, and Welfare Veterans' Administration, General Services Administration, Atomic Energy Commission, and the Comptroller General of the United States join with this Department in urging the proposed amendment of section 2672 of title 28, United States Code.

Sincerely yours,

J. M. McKIBBIN,
Acting Postmaster General.

COMPARATIVE TEXT OF THE CHANGES PROPOSED IN H.R. 6000 IN THE
FORM IT WAS INTRODUCED

In compliance with clause 3(2) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows with existing law in which no change is proposed is shown in roman type, and the new matter is printed in italics. Material which would be omitted is shown in brackets.

§ 2672. Administrative adjustment of claims of \$1,000 or less.

The head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, may consider, ascertain, adjust, determine, and settle any claim for money damages of **[\$1,000]** *\$3,000* or less against the United States accruing on and after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employ-

ment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

Any award made pursuant to this section, and any award, compromise, or settlement made by the Attorney General pursuant to section 2677 of this title, shall be paid by the head of the Federal agency concerned out of appropriations available to such agency.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

COMPARATIVE TEXT OF THE BILL INCLUDING THE AMENDMENTS
RECOMMENDED BY THE COMMITTEE

In compliance with clause 3(2) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows with the existing law in which no change is proposed shown in roman type, and the new matter printed in italics. Material which would be omitted is shown in brackets.

§ 2401. Time for commencing action against United States.

(a) Every civil action commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues. The action of any person under legal disability or beyond the seas at the time the claim accrues may be commenced within three years after the disability ceases.

(b) A tort claim against the United States shall be forever barred unless action is begun within two years after such claim accrues or within one year after the date of enactment of this amendatory sentence, whichever is later, or unless, if it is a claim not exceeding **[\$1,000]** *\$2,000*, it is presented in writing to the appropriate Federal agency within two years after such claim accrues or within one year after the date of enactment of this amendatory sentence, whichever is later. If a claim not exceeding **[\$1,000]** *\$2,000* has been presented in writing to the appropriate Federal agency within that period of time, suit thereon shall not be barred until the expiration of a period of six months after either the date of withdrawal of such claim from the agency or the date of mailing notice by the agency of final disposition of the claim.

CHAPTER 171.—TORT CLAIMS PROCEDURE

SEC. * * *

*	*	*	*	*	*	*
2672. Administrative adjustment of claims of [\$1,000] \$2,000 or less.						
*	*	*	*	*	*	*

§ 2672. Administrative adjustment of claims of **[\$1,000] \$2,000 or less.**

The head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, may consider, ascertain, adjust, determine, and settle any claim for money damages of **[\$1,000]** \$2,000 or less against the United States accruing on and after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

Any award made pursuant to this section, and any award, compromise, or settlement made by the Attorney General pursuant to section 2677 of this title, shall be paid by the head of the Federal agency concerned out of appropriations available to such agency.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.



Calendar No. 809

86TH CONGRESS
1ST SESSION

H. R. 6000

[Report No. 797]

IN THE SENATE OF THE UNITED STATES

MAY 19, 1959

Read twice and referred to the Committee on the Judiciary

AUGUST 21, 1959

Reported by Mr. EASTLAND, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$3,000.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That title 28 of the United States Code is amended as fol-
4 lows:

5 (1) Section 2672 is amended as follows:

6 (A) The catchline is amended to read as follows:

7 “§ 2672. Administrative adjustment of claims of ~~\$2,000~~
8 \$2,500 or less.”

9 (B) The first paragraph of section 2672 is amended by

1 striking out “\$1,000”, and by inserting in lieu thereof
2 “~~\$2,000~~ \$2,500”.

3 (2) The analysis of chapter 171 is amended by strik-
4 ing out the following item:

“2672. Administrative adjustment of claims of \$1,000 or less.”

5 and by inserting the following item in place thereof:

“2672. Administrative adjustment of claims of ~~\$2,000~~ \$2,500 or less.”

6 (3) Subsection (b) of section 2041 of title 28, United
7 States Code, is amended by striking out “\$1,000” wherever
8 it appears in such subsection, and by inserting in lieu thereof
9 “~~\$2,000~~ \$2,500”.

Amend the title so as to read: “An Act to amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$2,500.”

Passed the House of Representatives May 18, 1959.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$3,000.

MAY 19, 1959

Read twice and referred to the Committee on the
Judiciary

AUGUST 21, 1959

Reported with amendments

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued May 19, 1959
For actions of May 18, 1959
86th-1st, No. 79

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HIGHLIGHTS: House debated agricultural appropriation bill. House committee reported general Government matters appropriation bill. House committee reported bill to extend Reorganization Act. Rep. Hogan introduced and discussed farm bill. Rep. Wolf introduced and discussed bill to transfer to HEW school lunch program, special milk program, and responsibility for distribution of surplus foods to needy and to establish food stamp plan.

HOUSE

1. AGRICULTURAL APPROPRIATION BILL FOR 1960. Began and concluded debate on this bill, H. R. 7175. The bill had been reported without amendment by the Appropriations Committee during recess, May 15 (H. Rept. 365). At the request of Rep. McCormack passage of the bill was postponed until Wed., May 20. pp. 7445-88, 7509 (Attached to this Digest are excerpts from the committee report.)

Rejected the following amendments:

By Rep. Michel, 53 to 95, to reduce the 1960 forward authorization for the Agricultural Conservation Program from \$250 million to \$100 million. pp. 7476-9

By Rep. Byrnes, Wis., 51 to 89, to provide that no part of any funds appropriated for soil building and soil and water conserving practices shall be used to make small-payment increases. pp. 7479-80

By Rep. Vanik, to strike out a proviso that no part of AMS funds shall be available for publishing estimates of apple production for other than the commercial crop. pp. 7481-2

By Rep. Avery, 49 to 59, to provide that no part of CCC funds shall be used to process a commodity loan in excess of \$50,000. pp. 7484-7

By Rep. Vanik, to provide that the fair rental value of land under the Conservation Reserve Program shall also be "based upon its reasonable market value as agricultural land." p. 7487

By Rep. Vanik, to strike out Sec. 405 of the bill, which provides that, except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by the bill shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States. pp. 7487-8

Pending at adjournment was a motion by Rep. Taber to recommit the bill to the Appropriations Committee with instructions to report it back with an amendment providing that no part of CCC funds shall be used to process a commodity loan in excess of \$50,000. p. 7488

2. GENERAL GOVERNMENT MATTERS APPROPRIATION BILL FOR 1960. The Appropriations Committee reported without amendment this bill, H. R. 7176 (H. Rept. 366). p. 7509
3. REORGANIZATION. The Government Operations Committee reported with amendment H. R. 5140, to extend the Reorganization Act of 1949 (H. Rept. 367). p. 7509
4. CLAIMS. Passed as reported H. R. 6000, to amend title 28 of the U. S. Code so as to increase the limit for administrative settlement of claims against the U. S. under the tort claims procedure from \$1000 to \$2000. p. 7424
5. MAIL CHARGES. Passed as reported H. R. 5212, to reduce the existing minimum charge on pieces of third-class mail of odd sizes and shapes from 6 cents to 3½ cents. p. 7425
6. CONTRACTS. Passed without amendment H. R. 4060, to eliminate all responsibility of the Government for fixing dates on which the period of limitation for filing suits against Miller Act payment bonds commences to run on most Federal construction projects. p. 7425
7. HOUSING. Rep. Herlong inserted an explanation and analysis of H. R. 7117, the housing bill for 1959, which includes a provision extending the farm housing research program for 2 years, until June 30, 1961, and authorizes appropriations of \$50,000 for each year for this program. pp. 7495-8
8. FOREIGN CURRENCIES. Received from the Interstate and Foreign Commerce Committee a report on the use of foreign currencies by that committee between July 1 and Dec. 31, 1958. p. 7508
9. EDUCATION; TAXATION. Received from the Budget Bureau a proposed bill "to discontinue Federal grants for vocational education and for construction of waste treatment facilities, and to reduce the Federal excise tax on local telephone service to assist the States in assuming financial responsibility for these programs"; to Ways and Means Committee. p. 7509
10. AREA REDEVELOPMENT. As reported (see Digest 77), S. 722 provides as follows: Creates an Area Redevelopment Administration as a separate agency of the Executive Branch. Authorizes this agency to designate industrial and rural redevelopment areas (a rural area being any county (1) which is among the 500 counties ranking lowest in level of living of farm-operator families or (2) which is among the 500 counties having the highest percentage of commercial farms producing less than \$2,500 worth of products for sale annually). Authorizes the agency to make loans for industrial projects in industrial redevelopment areas out of a revolving fund of \$75 million, and to make loans for industrial projects in rural redevelopment areas out of another \$75 million revolving fund (these funds to be provided by appropriation). Authorizes the agency to make loans and grants for constructing or improving public facilities, or for purchasing or developing land for public facility usage, in redevelopment areas. Vests



Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 86th CONGRESS, FIRST SESSION

Vol. 105

WASHINGTON, MONDAY, MAY 18, 1959

No. 79

Senate

The Senate was not in session today. Its next meeting will be held on Tuesday, May 19, 1959, at 10 a.m.

House of Representatives

MONDAY, MAY 18, 1959

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

I Samuel 7: 12: *Hitherto hath the Lord blessed us.*

Almighty God, our refuge and strength, we adore Thee as our gracious Benefactor whose divine providence is ever round about us.

We acknowledge gratefully that in our physical and spiritual needs Thou hast been mindful and merciful unto us.

May we manifest our gratitude by following more eagerly and earnestly the way which our blessed Lord has marked out for us by His example and precepts.

Grant that we may always perceive clearly what He would have us know and perform faithfully that which He would have us do.

Hear us in His name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 14, 1959, was read and approved.

SUPPLEMENTAL APPROPRIATIONS, 1959, AND S. 1062 AMENDING FEDERAL DEPOSIT INSURANCE ACT

The SPEAKER. The Chair lays before the House the following communication from the Clerk of the House:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 18, 1959.

The Honorable the SPEAKER,
House of Representatives.

SIR: Pursuant to authority previously granted, the Clerk received from the Secretary of the Senate on Thursday, May 14, 1959, the following messages:

"That the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5916)

entitled 'An act making supplemental appropriations for the fiscal year ending June 30, 1959, and for other purposes'; and

"That the Senate agree to the amendments of the House of Representatives to the amendments of the Senate numbered 1, 7, 38, 71, and 88 of the said bill; and

"That the Senate passed the bill (S. 1062) entitled 'An act to amend the Federal Deposit Insurance Act to provide safeguards against mergers and consolidations of banks which might lessen competition unduly or tend unduly to create a monopoly in the field of banking.'"

Respectfully yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

HOUSE BILL ENROLLED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had on May 16, 1959, examined and found truly enrolled a bill of the House of the following title:

H.R. 5916. An act making supplemental appropriations for the fiscal year ending June 30, 1959, and for other purposes.

SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1959

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, May 14, 1959, he did on May 16, 1959, sign the following enrolled bill of the House:

H.R. 5916. An act making supplemental appropriations for the fiscal year ending June 30, 1959, and for other purposes.

REV. BERNARD BRASKAMP, D.D.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK. Mr. Speaker, our beloved Chaplain this morning opened his beautiful prayer for the Members of

the House, and all of his prayers are beautiful, touching, and effective, with the following words: "Hitherto hath the Lord blessed us."

I know I speak the sentiments of all the Members of the House in saying that the Lord has certainly blessed the House of Representatives and its Members today and during the past weeks with His kindness and generosity in relation to our beloved Chaplain and giving him improved health so that he can be with us again. We, too, are happy to welcome our Chaplain back and, indeed, Chaplain Braskamp, as you started out in your prayer, each one of us feels "hitherto hath the Lord blessed us."

REV. BERNARD BRASKAMP, D.D.

(Mr. HOEVEN asked and was given permission to extend his remarks at this time in the RECORD.)

Mr. HOEVEN. Mr. Speaker, as chairman of the Republican Conference of the House of Representatives I am sure I express the sentiments of all Republicans, the House, when I say how delighted we are to have our Chaplain, Dr. Braskamp, with us again after an illness of several weeks.

Dr. Braskamp is a native of my home town of Alton, Iowa. Hence we have had much in common throughout the years. He is one of our most distinguished Iowans.

We hope and pray that our beloved Chaplain and friend gain in strength each day, and that he may be richly blessed the days that lie ahead.

REREFERENCE OF H.R. 1129 TO COMMITTEE ON VETERANS' AFFAIRS

Mr. VINSON. Mr. Speaker, I ask unanimous consent that H.R. 1129, a bill to amend the Servicemen's and Veterans'

Survivor Benefits Act, which was referred to the House Committee on Armed Services on January 7, 1959, be re-referred to the House Committee on Veterans' Affairs.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

THE BERLIN AIRLIFT: 10 YEARS LATER

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE. Mr. Speaker, there were several important milestones in the series of historic decisions made by former President Harry S. Truman which halted the advance of communism in Europe but none was more important than the quick and courageous decision to resist the Russian blockade of Berlin which began in June of 1948.

Ten years later West Berlin is the symbol of the free world at the doorstep of the enslaved Communist satellites—a shining contrast between the people of Western Europe living in freedom and the people of Eastern Europe living under Communist suppression.

No West Berliner or West German has ever forgotten the airlift or what it meant. In a special observance of the ending of the airlift on May 12, West Berlin let the world know it had not forgotten.

The next of kin of American Air Force personnel who lost their lives in the airlift were invited to Berlin for the occasion by the Berlin Senate. Among the 37 relatives of 19 of the 31 American flyers who attended were Mrs. Margaret Erickson, 1205 State Street, Collinsville, Ill., and her daughter, Dianne, whose husband and father, sacrificed his life. Eugene Erickson, a C-54 transport pilot with the U.S. Air Force, was killed on October 18, 1948.

In West Berlin, Lieutenant Erickson's widow and daughter will walk down a street named in the flyer's honor and in Frankfurt they will visit a church where a window was installed in tribute to his memory.

Today, West Berlin remains the outpost of the free world because of the sacrifice of men like Lt. Eugene Erickson of Collinsville, Ill.

In all 70 airmen died to keep the airlift going—the 31 American and 39 British airmen. These dead and their colleagues who survived administered a decisive defeat to the Russian Communists.

PERMISSION TO SIT DURING GENERAL DEBATE

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent that the Subcommittee on the Library of the Committee on House Administration be permitted to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the calendar.

DISCLAIMING INTEREST IN CERTAIN LANDS IN COLORADO

The Clerk called the bill (H.R. 3454) to disclaim any interest on the part of the United States in certain lands in the State of Colorado, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby disclaims any right, title, or interest in and to the lands within the extended boundaries of the west half and the southeast quarter of section 12, township 18 south, range 43 west, sixth principal meridian, which are shown on the map of the surveyor general's office dated August 18, 1881, and signed by Albert Johnson, then surveyor general of Colorado, as covered by a body of water designated Lake Albert. If, notwithstanding this disclaimer, it be held that the United States has any right, title, or interest in and to said lands, the United States hereby quitclaims the same to the successors in interest of the person or persons to whom patent was issued for the remainder of the lands within said west half and southeast quarter.

With the following committee amendment:

Page 1, line 4, strike out the words "the extended boundaries" and all of lines 5 through 9, and insert in lieu thereof "those portions of the west half and the southeast quarter of section 12, township 18 south, range 43 west, sixth principal meridian, Colorado, which are shown on the official plat of survey approved August 18, 1881, by Albert Johnson, then United States Surveyor General of Colorado, as covered by a body of water."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR RECEIPT AND DISBURSEMENT OF FUNDS—GPO

The Clerk called the bill (S. 902) to provide for the receipt and disbursement of funds, and for continuation of accounts when there is a vacancy in the office of the disbursing officer for the Government Printing Office, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the disbursing clerk of the Government Printing Office is hereby designated as the disbursing officer for the Government Printing Office.

(b) In the case of the death, resignation, or separation from office of such disbursing officer, his accounts may be continued, and payments and collections may be made in his name, by the deputy disbursing officer or officers designated by the Public Printer, for a period of time not to extend beyond the last day of the second month following the month in which such death, resignation, or separation occurred. Such accounts and payments shall be allowed, audited, and set-

tled, and checks signed in the name of the former disbursing officer for the Government Printing Office by any such deputy disbursing officer shall be honored, in the manner as if the former disbursing officer for the Government Printing Office had continued in office.

(c) No former disbursing officer for the Government Printing Office, his estate, or the surety of his official bond, shall be subject to any legal liability or penalty for the official accounts or defaults of any deputy disbursing officer acting in the name or in the place of such former disbursing officer. Each such deputy disbursing officer shall be responsible for accounts entrusted to him pursuant to subsection (b), and such deputy officer and the sureties upon his bond shall be liable for any default occurring during his service as such pursuant to such subsection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF TITLE 28 OF UNITED STATES CODE

The Clerk called the bill (H.R. 6000) to amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$3,000.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 2672 of title 28, United States Code, is amended by striking out "\$1,000", and by inserting in lieu thereof "\$3,000".

With the following committee amendments:

Strike all after the enacting clause and insert:

"That title 28 of the United States Code is amended as follows:

"(1) Section 2672 is amended as follows:

"(A) The catchline is amended to read as follows:

" "\$2672. Administrative adjustment of claims of \$2,000 or less."

"(B) The first paragraph of section 2672 is amended by striking out "\$2,000", and by inserting in lieu thereof "\$2,000".

"(2) The analysis of chapter 171 is amended by striking out the following item:

" "\$2672. Administrative adjustment of claims of \$1,000 or less."

"and by inserting the following item in place thereof:

" "\$2672. Administrative adjustment of claims of \$2,000 or less."

"(3) Subsection (b) of section 2401 of title 28, United States Code, is amended by striking out "\$1,000" wherever it appears in such subsection, and by inserting in lieu thereof "\$2,000"."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MONMOUTH COUNTY, N.J.

The Clerk called the bill (H.R. 322) for the relief of Monmouth County, N.J.

There being no objection the Clerk read the bill, as follows:

86TH CONGRESS
1ST SESSION

H. R. 6000

IN THE SENATE OF THE UNITED STATES

MAY 19, 1959

Referred to the Committee on the Judiciary

AN ACT

To amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$3,000.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That title 28 of the United States Code is amended as fol-
4 lows:

5 (1) Section 2672 is amended as follows:

6 (A) The catchline is amended to read as follows:

7 “§ 2672. Administrative adjustment of claims of \$2,000 or
8 less.”

9 (B) The first paragraph of section 2672 is amended by

1 striking out “\$1,000”, and by inserting in lieu thereof
2 “\$2,000”.

3 (2) The analysis of chapter 171 is amended by strik-
4 ing out the following item:

“2672. Administrative adjustment of claims of \$1,000 or less.”

5 and by inserting the following item in place thereof:

“2672. Administrative adjustment of claims of \$2,000 or less.”

6 (3) Subsection (b) of section 2041 of title 28, United
7 States Code, is amended by striking out “\$1,000” wherever
8 it appears in such subsection, and by inserting in lieu thereof
9 “\$2,000”.

Passed the House of Representatives May 18, 1959.

Attest:

RALPH R. ROBERTS,

Clerk.

TDA WA

THE TDA WA is a non-profit organization that was established in 1981 to provide support and resources for the transgender community in Washington state. The organization's mission is to promote the health, safety, and well-being of transgender individuals and to advocate for their rights.

For more information, please contact us at 206.462.1444 or visit our website at www.tdawa.org.

AN ACT

To amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$3,000.

MAY 19, 1959

Referred to the Committee on the Judiciary

INCREASING THE LIMIT FOR ADMINISTRATIVE SETTLEMENT OF CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

AUGUST 21, 1959.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 6000]

The Committee on the Judiciary, to which was referred the bill (H.R. 6000) to amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$3,000, having considered the same, reports favorably thereon, with amendments, and recommends that the bill, as amended, do pass.

AMENDMENTS

On page 1, line 7, strike the figure "\$2,000" and insert in lieu thereof "\$2,500".

On page 2, line 2, strike the figure "\$2,000" and insert in lieu thereof "\$2,500".

On page 2, in the insertion following line 5, strike the figure "\$2,000" and insert in lieu thereof "\$2,500".

On page 2, line 9, strike the figure "\$2,000" and insert in lieu thereof "\$2,500".

Amend the title to read:

A bill to amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$2,500.

PURPOSE OF AMENDMENTS

The purpose of the amendments is to change the "\$2,000" limitation for the administrative settlement of tort claims as proposed in the House bill to "\$2,500".

PURPOSE

The purpose of the proposed legislation, as amended, is to amend section 2672 of title 28 of the United States Code so as to increase the limit for administrative settlement of tort claims from \$1,000 to \$2,500; and to amend section 2401 of the same title so that its references to administrative settlement will state the same figure.

STATEMENT

H.R. 6000 implements, in part, a recommendation made by the Post Office Department to Congress that the limit for administrative settlements on tort claims against the United States contained in section 2672 of title 28, United States Code, be increased to \$3,000. The Postmaster General was originally concerned with the change in settlement limitations being made solely for the benefit of his own Department. The Bureau of the Budget consulted with other agencies and departments of the Government and found general agreement that the proposal should be recommended in a form that would make it applicable governmentwide. Thus, at the request of the Bureau of the Budget, the Postmaster General made the recommendation on a governmentwide basis.

The Department points out that the rising costs of material and labor and the consequent increase in the costs of replacing or repairing late model automobiles force many claimants to institute suit in Federal courts rather than accept the administrative settlement limited to \$1,000. In those cases involving personal injury, necessitating medical attention, and loss of time from work, claimants have also been forced to sue rather than settle administratively.

As of the time the Postmaster General communicated with Congress, he stated there were approximately 625 tort suits pending in the Federal courts arising out of alleged negligent operation of the postal service. The potential liability of the United States resulting from these suits is in excess of \$18 million. The Department is of the opinion that a considerable number of these cases would not have been instituted had there been authority to settle claims up to \$3,000.

Tables supplied to this committee by the Administrative Office of the U.S. Courts for the fiscal years 1958 and 1959 regarding tort claims against the United States in U.S. district courts show the following:

Amount of damages demanded in Federal Tort Claims Act cases filed in the U.S. district courts during the fiscal year 1958

	Total cases	Amount of damages claimed						Un-known
		Less than \$1,000	\$1,000 to \$1,999	\$2,000 to \$2,999	\$3,000 to \$3,999	\$4,000 to \$4,999	\$5,000 or over	
Total.....	1,200	107	50	31	36	19	923	34
Personal injury:								
Motor vehicle.....	633	28	21	14	19	13	524	14
Other negligence.....	336	3	2	5	8	2	302	14
Personal property damage.....	142	73	21	9	5	3	28	3
Real property damage.....	89	3	6	3	4	1	69	3

SETTLEMENT OF CLAIMS UNDER FEDERAL TORT CLAIMS ACT 3

Amount of damages demanded in Federal Tort Claims Act cases filed in the U.S. district courts during the first 9 months of the fiscal year 1959

	Total cases	Amount of damages claimed						Un-known
		Less than \$1,000	\$1,000 to \$1,999	\$2,000 to \$2,999	\$3,000 to \$3,999	\$4,000 to \$4,999	\$5,000 or over	
Total.....	967	89	44	22	26	13	739	34
Personal injury:								
Motor vehicle.....	528	11	15	11	18	3	452	18
Other negligence.....	261	11	3	1	3	4	230	9
Personal property damage.....	125	67	18	6	2	3	27	2
Real property damage.....	53		8	4	3	3	30	5

While these charts reveal that the great majority of tort suits filed against the United States are for amounts in excess of \$5,000, the number filed for amounts in categories less than \$5,000 is still substantial. The congested dockets will receive some relief if more of the potential suits for the lesser amounts can be disposed of administratively.

The House Committee on the Judiciary, after considering the factors involved in the requested \$3,000 limitation, reached these conclusions in its report on the bill:

* * * after a consideration of all of the factors, the committee has concluded that the limit should be fixed at \$2,000 rather than the \$3,000 figure. The \$2,000 limit provides for a realistic adjustment in the light of present-day conditions, and yet does not unduly increase the authority for administrative settlement. Administrative settlements are handled by the head of each Federal agency or his designee. This means that claims settled under this authority would not generally come to the attention of the Justice Department when another department or agency was concerned. The committee feels that where claims exceed \$2,000 the normal procedures available in court proceedings become increasingly important. When tort claims cases are filed in court the Attorney General is authorized to settle such cases under section 2677 of title 28 with the approval of the court. When such an action is commenced in a court, the matter is subject to the control of the court, procedures for depositions and discovery under the Federal Rules of Civil Procedure are available, and the settlement is subject to the approval of the court.

These considerations which apply most forcefully to claims over \$2,000 must be balanced with the need for expeditious administrative settlement, and the committee has determined that the \$2,000 figure is the appropriate limitation.

After careful consideration of all the factors involved, this committee has concluded that a \$2,500 limitation would be more realistic and of greater benefit to both the public and the agencies and departments involved than is the \$2,000 limitation proposed in the House bill. The Department states that the proposed legislation will not increase the cost of operating the postal service and it should result in a saving to

the Department of Justice and the Federal courts. It is, therefore, recommended that H.R. 6000, as amended, be favorably considered.

The communication from the Postmaster General to Congress, in regard to the proposed legislation is attached hereto and made a part hercof.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., March 20, 1959.

HON. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a proposal to amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$3,000. The present law (18 U.S.C., sec. 2672) permits the administrative settlement of these claims up to \$1,000.

During the past 3 years, 147 of 244 postal cases were settled for sums between \$1,000 and \$3,000 by the U.S. attorneys, after suit had been filed in the Federal courts. In most instances, this Department could probably have settled these claims in a substantially shorter period of time.

With the rising costs of material and labor and the consequent increase in costs of replacing or repairing the later model motor vehicles, many claimants, with just property damage claims, are forced to institute suits in the Federal courts to recover damages because of the limitation existing in the present law. In those cases involving personal injury which necessitated extensive medical attention and considerable loss of time from work, claimants have also been forced to file suit in the Federal courts instead of filing administrative claims.

We are aware of the efforts of the Attorney General to speed up the disposition of cases pending before the Federal courts. The dockets of those courts today are crowded and in many instances in the more densely populated districts, claimants are required to wait 4 or 5 years before their cases can be brought to trial. If the authority of the head of each Federal agency, or his designee, to settle these claims is increased from \$1,000 to \$3,000, it will have the effect of benefiting both the Federal courts and the U.S. attorneys by reducing the number of cases on the dockets and the time necessarily involved by both the Federal courts and the U.S. attorneys in negotiating settlements. At the present time there are approximately 625 tort suits pending in the Federal courts arising out of the alleged negligent operation of the postal service. As a result of these suits there is a potential liability against the United States of \$18,009,309. We believe that a considerable number of these cases would not have been instituted had there been authority to settle cases up to \$3,000.

Enactment of this proposed legislation will not increase the cost of operating the postal service. It should result in a savings to the Department of Justice and to the Federal courts.

Originally this Department proposed to amend the law so as to authorize the Postmaster General to adjust claims of \$3,000 or less. In advising this Department with respect to the legislative proposal the Bureau of the Budget stated that, as all agencies generally endorse the proposal to increase the limitation from \$1,000 to \$3,000, the proposal should be amended to make it applicable governmentwide; that there would be no objection to the submission of such legislation to the Congress.

Information submitted by the Bureau of the Budget indicates that the Department of Justice, the Department of Commerce, the Department of Defense (through the Department of the Navy), the Department of the Treasury, the Department of Labor, the Department of Agriculture, the Department of Health, Education, and Welfare, Veterans' Administration, General Services Administration, Atomic Energy Commission, and the Comptroller General of the United States join with this Department in urging the proposed amendment of section 2672 of title 28, United States Code.

Sincerely yours,

J. M. McKIBBIN,
Acting Postmaster General.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

§ 2401. Time for commencing action against United States.

(a) Every civil action commenced against the United States shall be barred unless the complaint is filed within six years after the right of action first accrues. The action of any person under legal disability or beyond the seas at the time the claim accrues may be commenced within three years after the disability ceases.

(b) A tort claim against the United States shall be forever barred unless action is begun within two years after such claim accrues or within one year after the date of enactment of this amendatory sentence, whichever is later, or unless, if it is a claim not exceeding **[\$1,000]** \$2,500, it is presented in writing to the appropriate Federal agency within two years after such claim accrues or within one year after the date of enactment of this amendatory sentence, whichever is later. If a claim not exceeding **[\$1,000]** \$2,500 has been presented in writing to the appropriate Federal agency within that period of time, suit thereon shall not be barred until the expiration of a period of six months after either the date of withdrawal of such claim from the agency or the date of mailing notice by the agency of final disposition of the claim.

6 SETTLEMENT OF CLAIMS UNDER FEDERAL TORT CLAIMS ACT

CHAPTER 171.—TORT CLAIMS PROCEDURE

SEC. * * *

* * * * *

2672. Administrative adjustment of claims of **[\$1,000]** \$2,500 or less.

* * * * *

§ 2672. Administrative adjustment of claims of **[\$1,000]** \$2,500 or less.

The head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, may consider, ascertain, adjust, determine, and settle any claim for money damages of **[\$1,000]** \$2,500 or less against the United States accruing on and after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

Any award made pursuant to this section, and any award, compromise, or settlement made by the Attorney General pursuant to section 2677 of this title, shall be paid by the head of the Federal agency concerned out of appropriations available to such agency.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.



Calendar No. 809

86TH CONGRESS
1ST SESSION

H. R. 6000

[Report No. 797]

IN THE SENATE OF THE UNITED STATES

MAY 19, 1959

Read twice and referred to the Committee on the Judiciary

AUGUST 21, 1959

Reported by Mr. EASTLAND, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$3,000.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That title 28 of the United States Code is amended as fol-
4 lows:

5 (1) Section 2672 is amended as follows:

6 (A) The catchline is amended to read as follows:

7 “§ 2672. Administrative adjustment of claims of ~~\$2,000~~
8 \$2,500 or less.”

9 (B) The first paragraph of section 2672 is amended by

1 striking out “\$1,000”, and by inserting in lieu thereof
 2 “~~\$2,000~~ \$2,500”.

3 (2) The analysis of chapter 171 is amended by strik-
 4 ing out the following item:

“2672. Administrative adjustment of claims of \$1,000 or less.”

5 and by inserting the following item in place thereof:

“2672. Administrative adjustment of claims of ~~\$2,000~~ \$2,500 or less.”

6 (3) Subsection (b) of section 2041 of title 28, United
 7 States Code, is amended by striking out “\$1,000” wherever
 8 it appears in such subsection, and by inserting in lieu thereof
 9 “~~\$2,000~~ \$2,500”.

Amend the title so as to read: “An Act to amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$2,500.”

Passed the House of Representatives May 18, 1959.

Attest: RALPH R. ROBERTS,
Clerk.

Calendar No. 809

80TH CONGRESS
1ST SESSION

H. R. 6000

[Report No. 797]

AN ACT

To amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$3,000.

MAY 19, 1959

Read twice and referred to the Committee on the
Judiciary

AUGUST 21, 1959

Reported with amendments

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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For actions of Aug. 24, 1959
86th-1st, No. 145

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HIGHLIGHTS: Senate passed bill to provide compensation under Soil Bank to producers for actions based on incorrect information; House committee reported similar bill. Sen. Church urged expansion of Public Law 480 program. Rep. McIntire introduced bill to establish revolving fund for REA loans.

SENATE

1. SOIL BANK. Passed without amendment S. 2457, to authorize the Secretary to compensate producers under the Soil Bank for actions based on erroneous information furnished by authorized representatives of the Secretary. p. 15385
2. FARM PROGRAM. Sen. Church criticized the administration's farm program, stated that "flexible price supports, expansion of markets, streamlined administration, freedom to plant, soil bank, and all" has been a "monumental failure", and urged expansion of Public Law 480 programs as a means of disposing of surplus commodities. pp. 15411-4

3. BANKING. Passed without amendment H. R. 8159, to amend the national banking laws to clarify or eliminate ambiguities, repeal obsolete provisions (including provisions for national agricultural credit corporations), etc. This bill will now be sent to the President. pp. 15398-9

Passed as reported H. R. 8160, to liberalize in several respects the limitations on borrowing and lending by national banks (see Digest 124 for a summary of the bill as passed by the House). Sen. Robertson explained that the only amendment of the Senate to the bill "would amend an existing provision which makes the limit on loans to one borrower 25 percent of capital and surplus instead of 10 percent, if the loan is in the form of notes secured by U. S. obligations. The amendment would delete the words 'in the form of notes,' so that obligations secured in this way would have the benefit of the 25 percent figure, instead of the usual 10 percent." pp. 15399-400

4. SCIENCE; RESEARCH. Passed without amendment H. R. 8284, to amend the National Science Foundation Act of 1950 so as to provide increased efficiency of operation and to clarify the Foundations's authority regarding grants, contracts, or fellowships, improved scientific training, etc. (pp. 15384-5) This bill will now be sent to the President. A similar bill, S. 2468, was indefinitely postponed.

5. MINERALS. Passed as reported S. 2181, to amend the Mineral Leasing Act of 1920, so as to modify oil, gas, coal, and certain other mineral leasing requirements and conditions. pp. 15386-8

6. WATER RESOURCES. Passed as reported S. 1257, to grant the consent and approval of Congress to the Wabash Valley Compact. pp. 15388-90

7. COLOR ADDITIVES. Agreed to the committee amendments to S. 2197, to amend the Federal Food, Drug, and Cosmetic Act so as to authorize the use of color additives in or on foods, drugs, and cosmetics in accordance with regulations prescribing conditions under which such additives may be safely used (pp. 15394-7). The "Daily Digest" states that the bill was passed as reported (p. D814).

8. CLAIMS. Passed as reported H. R. 6000, to amend title 28 of the U. S. Code so as to increase the limit for administrative settlement of claims against the U. S. under the tort claims procedure from \$1000 to \$2500 (as passed by the House the limit would have been increased to \$2000). p. 15397

9. INTERGOVERNMENTAL RELATIONS; FREIGHT FORWARDERS. Passed over, at the request of Sen. Keating, H. R. 6904, to establish an Advisory Commission on Intergovernmental Relations (p. 15384) and H. R. 5067, to repeal Sec. 217 of the Merchant Marine Act of 1936, which section has been interpreted by some to mean that Government agencies are still required to use the services of freight forwarders for overseas shipments (p. 15386).

10. CONSERVATION. Sen. Neuberger commended Sen. Murray for his "outstanding leadership" in the field of conservation of natural resources. p. 15407

11. PERSONNEL. Sen. Gruening urged enactment of legislation to provide a health insurance program for retired Federal employees. p. 15376

Effect on meat inspection and poultry products inspection acts

SEC. 204. Nothing in this act shall be construed to exempt any meat or meat food product or any person from any requirement imposed by or pursuant to the Meat Inspection Act of March 4, 1907 (34 Stat. 1260), as amended or extended (21 U.S.C. 71 and the following), or the Poultry Products Inspection Act (21 U.S.C. 451 and the following).

The amendments were agreed to.

Mr. HOLLAND. Mr. President, I support S. 2197, but because of the concern of some persons in my State, at their request I addressed certain questions to Hon. George P. Larrick, Commissioner of Food and Drugs, in the Department of Health, Education, and Welfare, in a letter dated August 20, 1959. I acquainted the chairman of the Committee on Labor and Public Welfare, the distinguished Senator from Alabama [Mr. HILL], with the contents of my letter. I received a written response from Dr. Larrick under the same date, namely August 20, 1959, a copy of which was also furnished to the Senator from Alabama.

I should like to ask the chairman of the committee, who is familiar with both letters, to state whether or not he approves of the positions taken by Dr. Larrick, the Commissioner of Food and Drugs, in his letter of August 20, 1959, replying to my earlier letter of the same date.

Mr. HILL. Mr. President, my views are in accord with the views expressed by Mr. Larrick in his letter to the Senator from Florida [Mr. HOLLAND] dated August 20, 1959.

Mr. HOLLAND. Is my understanding correct that the bill was reported by the unanimous action of the committee headed by the Senator from Alabama, and that the committee, including the chairman, entertain the same views as are expressed in Dr. Larrick's letter?

Mr. HILL. I have not conversed with every one of the 14 members of the committee, but I think I understand the intent and purpose of the bill. I should say that the intent and purpose as supported by the committee are in accord with the views of Dr. Larrick in his letter to the Senator from Florida dated August 20, 1959.

Mr. HOLLAND. I appreciate the reply of the Senator from Alabama.

Mr. President, I ask unanimous consent that my letter to Dr. Larrick and his reply to me, both under date of August 20, 1959, be printed at this point in the RECORD, assuming that that course is agreeable to the Senator from Alabama.

Mr. HILL. It is perfectly agreeable.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AUGUST 20, 1959.

HON. GEORGE P. LARRICK,
Commissioner, Food and Drug Administration,
Department of Health, Education,
and Welfare, Washington, D.C.

DEAR MR. LARRICK: Several questions have been raised by our citrus industry with reference to certain provisions of S. 2197, the color additive amendments of 1959. I believe these questions can be cleared up by a

colloquy on the Senate floor if we can agree upon the intent of these provisions in the bill. Therefore, I would like to ask for your comments on three particular matters with the understanding that this letter and your reply thereto will be placed in the CONGRESSIONAL RECORD during debate on the bill as part of the legislative history of the act.

First, the question has been raised as to whether the definition of the term "color additive" as contained in S. 2197 includes the ethylene process now used in the coloring of citrus fruit and certain other fruits and vegetables. In view of the fact that this process does not actually add color, and in view of discussions we have had on the subject, I do not believe there is any intention of covering the ethylene method in this definition. I will appreciate your assurance that this is the case.

Second, the term "promote deception of the consumer" used in the bill is extremely broad. As you know, in the coloring of citrus every effort has been made to prevent the use of color for deception and we would like your assurance that the long established practice of using ethylene and the use of the color recently certified for the coloring of sound, mature citrus fruit meeting the maturity standards of the respective States, are not considered as "promoting deception" as the term is used in the bill. In view of the statements made by the Department in its message transmitting this bill, I feel sure that it is not intended to claim that these processes promote deception, but I would appreciate your confirmation of this conclusion.

Third, it is my understanding that citrus red No. 2 listed under the provisions of Public Law 86-2, 86th Congress, approved March 17, 1959, shall be deemed provisionally listed under the provisions of section 203 of the bill. I will appreciate your confirmation of this conclusion, also.

Thanking you in advance for your cooperation and with kind regards, I remain,

Yours faithfully,

SPRESSARD L. HOLLAND.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
FOOD AND DRUG ADMINISTRATION,
Washington D.C., August 20, 1959.

HON. SPRESSARD L. HOLLAND,
U.S. Senate, Washington, D.C.

DEAR SENATOR HOLLAND: This replies to your letter of August 20, 1959, asking for our views on three questions that have been raised about S. 2197, the color additives amendment of 1959.

It is our understanding that the treatment of citrus fruit with ethylene after harvest does not add color, that it suppresses the formation of certain coloring materials, such as chlorophyll and thus allows the yellow or orange coloring contributed by other natural components to become more apparent. Therefore we would not regard ethylene used in this way on citrus fruit as a color additive within the meaning of the bill.

The second question is whether the application of ethylene or of citrus red No. 2 to sound, mature oranges that meet the minimum maturity standards established under the laws of the States in which the oranges are grown would be considered as promoting deception as that term is used in S. 2197. We would not consider such use as promoting deception.

The third question is whether citrus red No. 2 as listed under the provisions of Public Law 86-2 would be deemed provisionally listed under the provisions of section 203 under S. 2197. It would be deemed provisionally listed.

Sincerely yours,

GEO. P. LARRICK,
Commissioner of Food and Drugs.

INCREASE IN LIMIT FOR ADMINISTRATIVE SETTLEMENT OF CLAIMS UNDER THE TORT CLAIMS PROCEDURE

The Senate proceeded to consider the bill (H.R. 6000) to amend title 28 of the United States Code to increase the limit of administrative settlement of claims against the United States under the tort claims procedure to \$3,000, which had been reported from the Committee on the Judiciary with amendments on page 1, line 7, after the word "of", to strike out "\$2,000" and insert "\$2,500"; on page 2, line 2, to strike out "\$2,000" and insert "\$2,500"; in the line after line 5, after the word "of", to strike out "\$2,000" and insert "\$2,500", and in line 9, to strike out "\$2,000" and insert "\$2,500".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$2,500."

BILLS PASSED OVER

The bill (S. 883) to confer jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon claims of customs officers and employees to extra compensation for Sunday, holiday, and overtime services performed after August 31, 1931, and not heretofore paid in accordance with existing law was announced as next in order.

Mr. BARTLETT. Over by request.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED TO FOOT OF CALENDAR

The bill (H.R. 3240) for the relief of Mrs. Clare M. Ash was announced as next in order.

Mr. KEATING. Mr. President, I have a request that that bill go over; and pursuant to the request I ask that it go over. But I will not object to its being called up by motion at the end of the call of the calendar.

The PRESIDING OFFICER. The bill will be placed at the foot of the calendar.

BILL PASSED OVER

The bill (S. 2467) to authorize the development of plans and arrangements for the provision of emergency assistance, and the provision of such assistance, to repatriated American nations without available resources, and for other purposes, was announced as next in order.

Mr. BARTLETT. Mr. President, on our side, at least, the report on the bill reached the Calendar Committee only a few minutes before the consideration of

the various bills was begun. We have had no time in which to study the report. Therefore, I ask that the bill go over.

The bill will be passed over.

MRS. CLARE M. ASH

Mr. WILEY. Mr. President, I ask unanimous consent that the Senate proceed at this time to the consideration of Calendar No. 810, House bill 3240, for the relief of Mrs. Clare M. Ash. I have spoken to the Senator who earlier today objected to consideration of the bill during the call of the calendar. He stated he would have no objection to having the bill placed at the foot of the calendar.

Therefore, at this time, I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H.R. 3240) for the relief of Mrs. Clare M. Ash was considered, ordered to a third reading, read the third time, and passed.

Mr. WILEY. I thank the Senator for his cooperation.

The PRESIDING OFFICER. That completes the call of the calendar.

PAYMENT TO THE GOVERNMENT OF JAPAN

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 639, Senate bill 2130, to authorize a payment to the Government of Japan.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement of the background of the committee action on the bill be printed at this point in the RECORD; and I wish to add that the bill was reported unanimously by the Foreign Relations Committee.

There being no objection, the excerpt from the report (No. 631) was ordered to be printed in the RECORD, as follows:

BACKGROUND AND COMMITTEE ACTION

The Bonin Islands lie about 700 miles due south of Tokyo. During the war, the civilian population of the islands—about 7,000 Japanese nationals—were evacuated by the Japanese Government to the Japanese home islands. Although 135 persons were allowed to return at one point, the United States, since 1945, has repeatedly held that the Bonins should be closed to other settlement for "security reasons."

Article 3 of the Japanese Peace Treaty gives to the United States "the right to exercise all and any powers of administration, legislation, and jurisdiction over the territory and inhabitants of these islands, including their territorial waters."

Unfortunately, the former residents of the Bonins have not been successfully integrated into the Japanese economy, and it is necessary for the Japanese Government to provide them with assistance. Prime Minister Kishi, during his June 1957 visit to Washington, sought relief for the Bonin Islanders, pleading that the problem constituted a definite

irritant in United States-Japanese relations. He favored repatriation and, failing that, indemnification. Subsequently, it was decided that security requirements were such that even limited resettlement was out of the question. The problem then became one of indemnification. The Japanese Government originally requested \$12.5 million, but has agreed to accept \$6 million.

The Department of State and the Department of Defense agree that the former property holders of the Bonins have legitimate claims. The date from which the claims have been calculated is April 28, 1952, which is when the Japanese Peace Treaty took effect. Since the land has not been in use for many years, there was a problem in determining its value. It was decided to measure the claims by the average value of land in the Ryukyu Islands, another group of Japanese islands under U.S. administration. The figure adopted was \$1,060 per acre, and the total value of the land in question was estimated to be \$4 million. Interest at 6 percent per annum (standard for the area) was added to this, raising the total sum to about \$6 million.

Rather than having the U.S. Government adjudicate individual claims, which both State and Defense regard as unwise, it was recommended that the total amount be turned over to the Japanese Government in full satisfaction of the claims.

On July 27, the committee, sitting in executive session, heard testimony in support of the bill from J. Graham Parsons, Assistant Secretary of State for Far Eastern Affairs; and Robert H. Knight, Acting Assistant Secretary of Defense for International and Security Affairs.

The judgment of the U.S. Government is that the overriding consideration in this matter is one of military security. According to Assistant Secretary Knight, "The Department of Defense considers that the unrestricted use of these islands is essential for the security purposes of the United States." The Bonins encompass only 45 square miles, and any resettlement of the area would circumscribe its usefulness as a military site of critical importance.

COMMITTEE RECOMMENDATIONS

The committee agrees that in these special circumstances repatriation of the former residents of the Bonin Islands is not advisable; that in order to avoid a noxious political problem—indeed, a situation that could undermine our position in the Bonin Islands—the proposed \$6 million indemnity should be paid to the Japanese Government. Thus, the committee urges the approval of S. 2130 by the Senate.

Mr. KEATING. Mr. President, will the Senator from Montana yield to me?

The PRESIDING OFFICER (Mr. HARTKE in the chair). Does the Senator from Montana yield to the Senator from New York?

Mr. MANSFIELD. I yield.

Mr. KEATING. I wish to say that this measure is a very important one. I have received authentic information regarding the bill, and that information convinces me of the merit of the bill.

I thank the Senator from Montana.

Mr. MANSFIELD. Mr. President, the bill is a very meritorious one, and its enactment is very much needed at this time. I think it will do much to enhance our good relations with Japan.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2130) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to pay to the Government of Japan a sum of \$6,000,000. The payment of such sum shall constitute full satisfaction and settlement of all claims of Japanese nationals, formerly resident in the Bonin Islands, arising from the use, benefit, or exercise of property rights of interests in the Bonin Islands by the United States for security purposes, for the period beginning April 28, 1952, and continuing until such time as said use, benefit, or exercise is relinquished by the United States.

SEC. 2. There is hereby authorized to be appropriated the sum of \$6,000,000 to carry out the purpose of this Act.

Mr. MANSFIELD. Mr. President, I move that the vote by which Senate bill 2130 was passed be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

AMENDMENT OF NATIONAL BANKING LAWS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 736, House bill 8159, to amend the national banking laws to clarify or eliminate ambiguities, to repeal certain laws which have become obsolete, and for other purposes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. GORE. Mr. President—

Mr. JOHNSON of Texas. Mr. President, the Senator from Virginia [Mr. ROBERTSON] has two bills. I was talking to him only a moment ago. The bills are noncontroversial, and both of them were passed unanimously by the House of Representatives; and the Senator from Virginia is anxious to have the Senate act on them today.

After our conversation at the door of the Chamber, apparently the Senator from Virginia left the Chamber, under the impression that the bills would not be brought up by motion.

Mr. President, at this time I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE obtained the floor.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Tennessee may yield to the Senator from Pennsylvania [Mr. SCOTT] without losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. I thank the Senator from Tennessee for his courtesy.

evacuation program of Civil Defense officials, and stated that he opposed and objected to restoration of the money to the bill which is now in conference. pp. 15708-9

The supplemental appropriation estimate of the President for the Office of Civil and Defense Mobilization (S. Doc. 49 - see Digest 146) requests \$9,000,000 to be allocated for expenses necessary to discharge such civil defense and defense mobilization functions performed by other Federal agencies, as may be designated by OCDM, including \$477,000 for this Department.

11. WHEAT. Sen. Young, N. D., discussed a recent Newsweek article entitled "Wheat Controls", criticized the practices of the Chicago Board of Trade, and inserted publications substantiating his views. pp. 15740-1
12. MINERALS. Sens. Bartlett and Gruening analyzed and criticized the veto message on H. R. 6940, a bill to increase the acreage which can be held in Alaska under oil and gas leases. pp. 15760-4
13. SURPLUS FOOD. Sen. Randolph urged the Senate to pass food stamp legislation and inserted a newspaper editorial commending the House passage of such a bill as an amendment to the extension of the Agricultural Trade Development and Assistance Act. p. 15764
14. APPROPRIATIONS. Sen. Dirksen criticized the new table on the back page of the Congressional Record captioned "Table II.--New Obligational Authority Provided Outside the Appropriation Process (So-called Back Door Financing)." pp. 15703-4

HOUSE

15. HOGS. The Agriculture Committee reported with amendment H. R. 8394, to authorize the Secretary to make market payments on lightweight hogs (H. Rept. 1063). p. 15840
16. RICE. The Agriculture Committee reported without amendment H. R. 7889, to require marketing quotas for rice when the total supply exceeds the normal supply, (H. Rept. 1064). p. 15840
17. HOUSING. Passed, 283 to 105, without amendment S. 2539, the new housing bill (pp. 15769-808). Prior to passage of the bill, the House rejected, 156 to 231, a motion to recommit with instructions to delete certain provisions (pp. 15806-7). This bill will now be sent to the President. As passed, the bill extends the farm housing research program for 2 years and authorizes the expenditure of \$100,000 for farm housing research during the period July 1, 1959 to June 30, 1961. Rep. Brown, Ga., stated that "The farm housing research program may well help us find the answer to the problem of how to provide better farm housing at a lower cost and how to improve financing sources for farm housing (p. 15781).
18. CLAIMS. Concurred in the Senate amendments to H. R. 6000, to amend title 28 of the U. S. Code so as to increase the limit for administrative settlement of claims against the U. S. under the tort claims procedure from \$1000 to \$2500 (pp. 15768-9). The Senate amendment increased the limit from \$2000 (as passed by the House) to \$2500, while the bill as introduced provided for an increase to \$3000. This bill will now be sent to the President.

19. RECLAMATION; WATERSHEDS. Concurred in the Senate amendments to H. R. 968, to provide for the construction by Interior of the Bully Creek Dam and other facilities, Vale Federal reclamation project, Oregon (p. 15810). This bill will now be sent to the President.

Received from the Army Department a letter from the Corps of Engineers submitting a report on McKinney Bayou, Red River Basin, Ark. (H. Doc. 220). p. 15840

The "Daily Digest" states that it erroneously stated that the Interior and Insular Affairs Committee on Aug. 26 voted to report S. 281, relating to the construction of a reservoir at the Burns Creek site in the upper Snake River Valley, Idaho. Instead, the Committee voted to report (but did not actually report) S. 2181 (amended), to amend the Mineral Leasing Act of 1920, so as to modify oil, gas, coal, and certain other mineral leasing requirements and conditions. p. D838

The Agriculture Committee reported without amendment H. R. 4781, to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture, in connection with the eleven watershed improvement programs authorized by the Flood Control Act of 1944, to prosecute additional works of improvement for the conservation, development, utilization and disposal of water, and to make loans or advancements to State and local agencies to finance the local share of costs of works of improvement provided in watershed work plans (H. Rept. 1068). p. 15840

The "Daily Digest" states that the Agriculture Committee approved plans for watershed projects in Fla., Ga., Ky., Tenn., Mass., Nebr., N. Mex. Ore., Penna., Texas, and Conn. p. D838

20. FAIRS; INFORMATION. Conferees were appointed on H. R. 3374, to authorize appropriations for Federal participation in the Century 21 Exposition to be held in Seattle, Wash., in 1961 (including USDA participation) (pp. 15772-3). Senate conferees have not yet been appointed.
21. FARM-CITY WEEK. The "Daily Digest" states that the Judiciary Committee tabled H. J. Res. 482 and 484 designating a National Farm-City Week. p. D838
22. MINERALS; LEASING. The Interior and Insular Affairs Committee reported with amendment H. R. 2181, to amend the Mineral Leasing Act of 1920, so as to modify oil, gas, coal, and certain other mineral leasing requirements and conditions (H. Rept. 1062) (p. 15840). (See item 19 for previous action on this bill.)
23. ACREAGE ALLOTMENTS; LANDS. The Agriculture Committee reported with amendment H. R. 8343, to permit the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain (H. Rept. 1074). p. 15840
24. RADIATION; CIVIL DEFENSE. Rep. Holifield and others discussed the civil defense program and the effects of nuclear fallout on humans, food, and animals. pp. 15816-22
25. FOREIGN TRADE. Rep. Bailey commended a resolution being considered by

House of Representatives

THURSDAY, AUGUST 27, 1959

The House met at 11 o'clock a.m.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Matthew 5: 9: *Blessed are the peacemakers; for they shall be called the children of God.*

O Thou who art seeking to guide us in the ways of freedom and righteousness grant that in these perilous times our chosen leaders, now in conference, may be guided with that divine wisdom which never errs and that divine strength which cannot fail.

May they extend to one another the overtures of good will and friendship and be eager to join heart and hand in the task of establishing peace on earth.

Give the nations vision and venture in the great redemptive ministry of leading bruised and brokenhearted mankind out of the darkness of hatred and fear into the glorious light of the kingdom of brotherhood.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2504. An act to authorize the sale at market prices of agricultural commodities owned by the Commodity Credit Corporation to provide feed for livestock in areas determined to be emergency areas, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2524) entitled "An act relating to the power of the States to impose net income taxes on income derived from interstate commerce and establishing a Commission on State Taxation of Interstate Commerce and Interstate and Intergovernmental Taxation Problems," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. WILLIAMS of Delaware, and Mr. CARLSON to be the conferees on the part of the Senate.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

AUGUST 27, 1959.

Hon. SAM RAYBURN,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby wish to submit my resignation as a member of the House Banking and Currency Committee, to take effect immediately.

Very sincerely yours,

JAMES C. HEALEY,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

AUGUST 27, 1959.

Hon. SAM RAYBURN,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Interstate and Foreign Commerce, to take effect immediately.

Sincerely yours,

ISIDORE DOLLINGER,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO STANDING COMMITTEE

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 363) electing JAMES C. HEALEY, of New York, a member of the Committee on Interstate and Foreign Commerce, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 363

Resolved, That JAMES C. HEALEY, of New York, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Interstate and Foreign Commerce.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE LATE HONORABLE J. BAYARD CLARK

The SPEAKER. The Chair recognizes the gentleman from North Carolina [Mr. LENNON].

Mr. LENNON. Mr. Speaker, it is my sad duty and with profound regret that I announce to the House the passing of

one of its most distinguished former members, who represented the Seventh Congressional District of North Carolina, which I now serve.

J. Bayard Clark, a Member of this body from March 4, 1929 to January 3, 1949, passed away last night, August 26, 1959, in Fayetteville, N.C.

J. Bayard Clark was born April 5, 1882, in Elizabethtown, N.C. He was educated at Davidson College and the University of North Carolina. He was licensed to practice law in August 1906.

He served as a member of the General Assembly in North Carolina in 1915, as a presidential elector in 1916, and as a member of the State judicial conference from 1924 to 1928.

He became a member of the Rules Committee of this House during the 2d session of the 73d Congress and served continuously in that capacity through the 80th Congress in 1948. There he soon earned the respect and honor of not only members of the Rules Committee but of the entire membership of the House for his wisdom and his unselfish devotion to his country.

J. Bayard Clark was known to possess one of the ablest legal minds of any person who has ever served in the Congress, and this fact was recognized not only by Members of this House but by the executive branch of our Government as well. He was a member of the joint committee of the House and the Senate on the investigation of the Pearl Harbor attack. His part in this hearing and the subsequent submission of the report by the joint committee won for him the praise of not only the Members of the Congress but the American people. Later he was selected by then President Franklin D. Roosevelt to write the legal opinion that grew out of the Montgomery Ward litigation. This opinion is recognized today by the lawyers of the country as one of the great landmarks in our legal jurisprudence on the question of the wartime power of the executive branch of the Government.

I know the House is saddened by his passing for there are many Members here today who served with Mr. Clark and recall fond memories of their association with an honored colleague.

I knew J. Bayard Clark to be a man sincere in his deep convictions, and I consider it one of the high privileges of my life to have been able to claim his friendship.

I have already transmitted to his bereaved widow and children an expression of deepest sympathy. I know this House shares in these expressions, and will want to send its prayers and deepest sympathy to Mrs. J. Bayard Clark and her fine family.

Mr. Speaker, I ask unanimous consent that all Members who desire may have 5 legislative days in which to extend their remarks in the RECORD on the life and accomplishments of J. Bayard Clark.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. DURHAM. Mr. Speaker, will the gentleman yield?

Mr. LENNON. I yield to the gentleman from North Carolina.

Mr. DURHAM. Mr. Speaker, those of us who served here with Bayard Clark, of course, are familiar with his work. He served here for many years, 22 in number.

I never knew a finer gentleman, a man of finer character. He was a great parliamentarian and very few men exceeded him in ability here on this floor. He was a close friend of mine, a very close friend. It is always difficult to find words to express one's feelings at the loss of a friend of almost 50 years.

Bayard Clark attended the University of North Carolina in my hometown. As a freshman I formed a friendship which has existed over the years. Last year I had the pleasure of visiting with him, and I cherish the memory of this last contact with him.

The last few years, of course, he had been handicapped, but he always had a great spirit of devotion and loyalty to this body. He served his country well here during trying years. His advice was sought here by many individuals throughout the years. The first thing I did when I came to Congress was to go to his office, to visit him and tell him that as a new Member in this body I wanted his advice. This is what he told me: Do what you think is right. This advice Bayard Clark certainly followed in his personal and public life.

Bayard Clark was a true gentleman in speech and in conduct and above all in his dealings with human beings. He was born and reared in a community which is traditionally rich in history and in a State which was one of the original 13 colonies. He exemplified the best traditions of his community and State in this body and in his public life down through the years. The section where Bayard Clark was born and reared and where his family settled in the early colonial days is famous for having produced great figures in education, in statesmanship, and in the finest type of citizenship, who have brought high honor to our State and to our Nation as a whole. Bayard Clark's life reflected this great heritage to a marked degree.

I extend to Mrs. Clark and the family my heartfelt sympathy in their great bereavement.

Mr. LENNON. Mr. Speaker, I yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, it was with a great deal of sorrow that I read this morning of the death of my good friend and former colleague, Judge Bayard Clark, of North Carolina. It was my privilege to serve with him for a number of years on the Rules Committee in this House. He was a Christian gen-

tleman; a person of quiet nature but of great ability, of complete honesty, and of exceptional patriotism. He served his State and his Nation well for many years.

The last time I had the privilege of talking to Judge Clark, after he had retired from Congress, he invited me down to his home in North Carolina to go fishing with him. That trip, unfortunately, never materialized.

Bayard Clark was a truly great legislator. This country is a better place, this Nation a better nation, because of the fact that Bayard Clark lived and served his fellow men.

He has left to his family the priceless heritage of a good name, and to those of us who called him friend, many precious memories.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. LENNON. I yield to the distinguished majority leader.

Mr. McCORMACK. For the two decades Bayard Clark served in this body he made a reputation that was outstanding. No one enjoyed the respect and confidence of his colleagues more than Bayard Clark. A gentleman in every respect he was also a good man, a man whose outlook on life was not only refreshing but also an inspiration for all others to follow.

During my service and his service in this body we came to know each other very closely and became close friends. Bayard Clark during his service in this body made marked contributions to the betterment of America and the strengthening of our country not only internally but also externally. He was one of the truly great legislators I have ever served with and a great American.

I might also say that he had a strong sense of loyalty, loyalty to the principles and the ideals he believed in, loyalty to his friends, and loyalty to his political family, the Democratic Party.

I join with his other friends in extending to his loved ones my deep sympathy in their bereavement.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. LENNON. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Speaker, with the other friends of Mr. Clark, I deeply regret his passing. He was a close friend of mine, one of the closest I have had in my service in this Congress. I served with him during all of his membership on the Rules Committee when we cooperated very closely, and I had every opportunity to observe the character and attainments of this great man.

Mr. Clark had one of the finest intellects, finest characters of any man I have had the pleasure of being associated with during my service here. He was a man of deep principle, great logic and ability, one on whom you could depend to the last degree. I do not think we have had many statesmen in this Congress who have excelled in ability and stamina and statesmanship of Mr. Clark, which was demonstrated in so many of his activities during his service in the Congress.

It was a matter of deep personal regret to me when he voluntarily left the Congress. When he had a message for the House he was so well known for his ability, fairness, honesty, and statesmanship that whatever he had to say to the House was taken with a great deal of seriousness.

I extend to his family my deepest sympathy and my own personal feeling of loss that such a man has finally been removed from our midst.

Mr. LENNON. I thank the gentleman.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. LENNON. I yield to the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, I should like to be associated with the remarks and tributes that have been paid to our former friend and Member of this body, also former member of the Committee on Rules, where I had the high privilege of serving with him when he was such a valuable Member of this House.

As has been pointed out by others, one of the outstanding traits of Mr. Clark was his fine, splendid, analytical mind. He was a great lawyer, a great statesman. Mr. Speaker, I know of few men with whom I have served in this body for whom I had a higher regard than I had for this distinguished North Carolinian.

When he went down into the well of this House, which was on very rare occasions, he had something to say, and he was listened to attentively. I am sure that he colored the stream of legislation while he served in this House. He believed in constitutional government.

He was a great North Carolinian, he was a great American, and I join with others in paying my tribute to him and in extending to his family my deep regret at his passing.

Mr. LENNON. Mr. Speaker, I thank the gentleman from Mississippi.

Mr. RAYBURN. Mr. Speaker, I join the members of the delegation from North Carolina in expressing my deep regret at the passing of Bayard Clark. He was a man of great ability and high character.

To his loved ones I express my deepest sympathy.

AMENDING TITLE 28 OF THE UNITED STATES CODE

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6000) to amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$3,000, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 7, strike out "\$2,000" and insert "\$2,500".

Page 2, line 2, strike out "\$2,000" and insert "\$2,500".

Page 2 in line between lines 5 and 6, strike out "\$2,000" and insert "\$2,500".

Page 2, line 9, strike out "\$2,000" and insert "\$2,500".

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

The title was amended so as to read: "An Act to amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$2,500."

ONE HUNDREDTH ANNIVERSARY OF THE PETROLEUM INDUSTRY IN THE UNITED STATES

(Mr. GAVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

[Mr. GAVIN addressed the House. His remarks will appear in the Appendix of today's RECORD.]

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 146]

Adair	Ford	O'Brien, N.Y.
Albert	Gallagher	O'Neill
Andersen,	Granahan	Osmer
Minn.	Gray	Passman
Andrews	Griffin	Pillion
Ayres	Hardy	Poage
Barden	Harrison	Powell
Barry	Hess	Rabaut
Bentley	Hoffman, Mich.	Reece, Tenn.
Blitch	Hogan	Rivers, S.C.
Boggs	Holt	Roberts
Bolton	Jackson	Saund
Canfield	Jones, Mo.	Shelley
Cannon	Kee	Sheppard
Carnahan	Kilburn	Sikes
Carter	Kirwan	Siler
Celler	Landrum	Simpson, Pa.
Cramer	Loser	Smith, Miss.
Dague	Machrowicz	Taylor
Denton	Mack, Ill.	Teague, Calif.
Derwinski	Mason	Thompson, La.
Dorn, S.C.	Miller, N.Y.	Westland
Elliott	Mitchell	Wolf
Flynn	Montoya	
Foley	Moulder	

The SPEAKER. On this roll call 363 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CORRECTION OF ROLL CALL

Mr. WILLIAMS of Mississippi. Mr. Speaker, rollcall No. 144 on yesterday shows me as being present and voting. I was, in fact, not present in the House because I was en route back from Mississippi where I had voted in the Democratic primary on Tuesday. I therefore ask unanimous consent that the permanent RECORD and Journal be corrected to show that I was absent and not voting.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

HOUSING ACT OF 1959

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 358 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 2539) to extend and amend laws relating to the provision and improvement of housing and the renewal of urban communities, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Ohio [Mr. BROWN], pending which I now yield myself such time as I may consume.

Mr. Speaker, as the reading of House Resolution 358 indicates, it makes in order the consideration of S. 2539, which is another omnibus housing bill. The rule provides for 2 hours of general debate. It is an open rule and provides for germane amendments at any point.

Mr. Speaker, the Members of the House will recall that in the last Congress we failed to pass a housing act. In this session of the Congress, S. 57, an omnibus housing bill, was passed, which was disapproved by the President. The other body has now passed S. 2539, and the House Committee on Banking and Currency has reported that bill to the House for its consideration.

In the testimony before the Committee on Rules the distinguished gentleman from Alabama [Mr. RAINS], chairman of the subcommittee, presented the request for the rule. The majority of the committee feel that it has gone a long way to meet the objections of the President of the United States to the bill S. 57, which he vetoed. A careful reading of the report will show that the majority of the committee has deleted seven items to which the President objected. In some 16 instances the majority of the committee has modified the bill to meet the President's objections.

Mr. Speaker, I think it needs to be made clear that this is an omnibus bill. It makes provision for several different types of housing programs. I believe it is fair to say that there are approximately five instances where there is some controversy. This bill extends the FHA insurance program for 1 year. There are those who would say that it ought

to be continued longer. As you know, the President of the United States has maintained that we should pass a separate bill for this program. In another area of some dispute is the urban renewal program. In S. 57 as passed by the Congress it provided for 2 years, I believe of somewhere in the neighborhood of \$900 million. This bill provides a program of \$550 million with an extra \$100 million at the discretion of the President. It does not confine the program to 1 year.

The bill provides for 37,000 units of public housing. The bill also provides for \$50 million for classroom and educational building construction. It also provides direct loans for housing for elderly people.

As I stated at the outset, the majority of the committee feel that it has gone a long way to try to meet the objections that the President voiced in his message of disapproval. There is no question in my mind that there is a great need for a housing bill. I think the House Committee on Banking and Currency has done the best job it could under very difficult circumstances.

Mr. Speaker, I intend to support the bill as reported by the committee, and I think that the rule should be adopted so that we can provide for the people of this Nation a housing program which will go a long way to meet their needs.

(Mr. THORNBERRY and Mr. BROWN of Ohio asked and were given permission to revise and extend their remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Texas has so ably stated, House Resolution 358 makes in order the consideration of S. 2539, the so-called housing bill, under 2-hour general debate and an open rule, which, of course, means that in the Committee of the Whole any and all germane amendments may be offered to the measure. This bill, in many ways, is very, very similar to another bill, S. 57, which was approved by this Congress—over considerable opposition in this House, by the way—and sent to the President and in turn vetoed by him. Then later on the other body in its wisdom decided an attempt should be made to override the President's veto. That failed by a large vote. As a result the other body brought out S. 2539, passed and sent it to the House where it was referred, as usual, to the House Committee on Banking and Currency. That committee, as I understand, had only one short meeting on the measure, did not read the bill section by section, did not go into the measure thoroughly, or discuss its provisions, but instead quickly reported the bill to the House and submitted to the Committee on Rules a request the measure be sent to the floor for consideration.

The reasons given for this quick and perhaps rather hasty action by the House Committee on Banking and Currency was that the measure was so similar to the original housing bill, S. 57, and the questions as issue had been discussed so thoroughly when S. 57 was before the committee, that there was no reason why a long period of time should be taken by the legislative committee in reading this new measure, or discussing

it section by section, or considering amendments to it.

On the other hand we are being told by the same individuals that there have been a great many changes made in the new bill from S. 57, the vetoed bill; that the great number of these changes carried in this new measure should appeal to the President of the United States, as well as to the Congress, and the bill would be in no danger of a veto, or at least that was the hope expressed. Yet as to the basic features of this bill there are very few differences between it and S. 57.

I know there has been a great deal of publicity given to the fact that this measure only calls for direct spending of some \$1,075,000,000 as compared with \$1,275,000,000 carried as an authorization in S. 57. That sounds good. That is a pretty tasty bit to roll around under our tongues as legislators who are attempting to hold down public spending and convince the people that we are against inflation and against deficits, and all that.

Let us actually look at this matter, for a moment, with a careful eye. Let us see about this legislation. In the first place S. 57 was a bill to provide for expenditures for these housing purposes for a 2-year period. For instance, in the urban renewal section, S. 57, the bill that was vetoed, carried an authorization for expenditure of \$900 million over a 2-year period. That was for urban renewal and slum clearance. This bill carries an authorization of only \$650 million for slum clearance and urban renewal, or \$250 million less than contained in S. 57. But here is the joker, here is the little hidden secret in this measure: Under the pending bill the entire \$650 million can be and probably will be, if this legislation becomes law, expended or obligated within 1 year. So actually what you are doing is providing authority in this legislation to spend more for that particular purpose than was provided in S. 57. That strikes out \$250 million, just like that, from this reduction of \$300 million the savings claimed to be carried in this new measure. There is actually little or no reduction in the bill.

Everyone knows, I am sure everyone agrees, there is a great need for the continuation of the authority of FHA to insure housing loans. There has never been any dispute about that. There has never been any conflict in the House over that, or in the Senate, for that matter, or in the mind of the President. We have all wanted that. S. 57 provided for the extension of the FHA insuring authority for 2 years. This bill provides only to extend the FHA insuring authority for 1 year to October 1, which means we will have to be back here next year, wrestling with this same problem when we know the FHA insuring program is a good program. There has been built up a surplus in that agency's fund, at no cost to the taxpayers, of \$700 million. Of course, there is no reason in the world why this measure should not provide for the extension of the FHA insuring authority for at least 2 years and, perhaps, longer. I am hoping before we

get through with the consideration of this measure, it may be amended so we have at least 2 years authority for the FHA, as has been requested, and the need for which no one can question.

This bill is before us. The fact of the matter is, and I think most of you agree, that this House—and I suspect the President is perhaps of the same frame of mind—will not react very well to threats. We have been told in substance, if not in the exact language, that this is a "take it or leave it" measure, and that the Congress can either accept this bill, as written, and the President can sign it into law, or there will be no housing legislation at all, and that the FHA insurance program and the other things on which we all agree must be done or home construction will grind to a halt. Frankly, I do not like that sort of a situation and that is the reason why we have an open rule, or at least one of the reasons—everyone requested it, by the way—so this House can work its will.

This measure is so similar to the one vetoed, in my mind at least, and I want to make it clear that I am not speaking for the President of the United States, as you all know, but I am of the firm opinion that unless we write into this measure some proper amendments it will probably either be defeated in the House or be vetoed when it reaches the White House. It contains a number of provisions entirely similar to those to which the President objected, and on which provisions he based his veto of S. 57. I think it is rather foolish, in view of the great need to continue the FHA program, and the construction of housing in this country, that we take a chance and pass legislation that might possibly be vetoed and could leave us without any positive legislation.

For instance, this bill still carries a provision to spend \$50 million on classroom construction, and not only classroom construction, but also the equipment in those classrooms, a matter which, in my opinion, as a member of the Committee on Rules and as one of the older Members of the House, belongs entirely under the jurisdiction of the Committee on Education and Labor, and has no place in this bill.

Then, this bill carries another section that is very much in dispute and which has been a controversial issue in this House over the years, and the House has taken the position many, many times in the past, I refer to public housing. This bill carries a provision for 37,000 new units of public housing at no cost to the taxpayers immediately—no immediate cost whatsoever is involved—but seven hundred and some odd million dollars of cost over a period of 40 years in subsidies that will be paid to house a relatively few people in spite of the fact that we already have a backlog of over 100,000 public housing units which have been authorized but have not yet been contracted for or constructed.

Now, let us stop and look at the situation for just a minute. We believe, you and I, of course, in doing everything we can to help our fellow men. But, let us be practical. I figured out roughly, in the Committee on Rules the other

day, that these 37,000 public housing units, and that meant 37,000 families presumably who will be housed under the provisions of this bill under that section, costing \$915 million in subsidies out of the taxpayers' pockets over the next 40 years, actually means that we are giving a subsidy—giving tax money—to each of those families of a little better than \$19,400. That is the subsidy each one of the 37,000 families will get under this bill.

I asked the question, and I want to pose it here: Why spend that much money to subsidize public housing when over in Moscow we are very proudly displaying to the Russians—and they question that it is true—a sample American home built here, three bedrooms and bath with all modern facilities, for only \$14,000. We can build that house at better than \$5,400 less than we pay as a public housing unit subsidy. It would be cheaper if we just built the houses and gave them to these 37,000 people.

I say to some of you, who like all of us feel sorry for the poor and neglected, look at it another way. If we would give these \$14,000 houses, or make them available for the use of the needy as long as they live, and then have them turned back to the Government for someone else to live in—if we would spend \$915 million in that fashion—we could take care of 52,000 needy families at no more cost than of this program of subsidies over a 40-year period. You can argue about it, but think that one over, if you will. It just shows how foolish we can get sometimes—and we may differ markedly about what we can pay for housing for individual families, but doing it this way, giving houses to them, they would have the \$37 a month they now pay in rent for public housing units to apply toward taxes, or maintenance of the property, and maintain their self-respect at the same time.

So, Mr. Speaker, I think this legislation deserves your very careful consideration and attention, and that of my friends here who are always interested in doing as much as they can, as often as they can, for as many as they can.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the chairman of my committee, of course, but briefly.

Mr. SMITH of Virginia. I want to ask a question. It may take a minute or two. If you have not got the time I will not.

Mr. BROWN of Ohio. I yield.

Mr. SMITH of Virginia. The gentleman mentioned that he thought the FHA ought to be continued for a period of 2 years instead of one. Does not the gentleman feel the same way about urban renewal? And I will tell you why. As I understood the statement made yesterday before the Rules Committee, urban renewal last year carried a figure of \$900 million for 2 years. If I am correctly informed, the bill which is made in order by this rule carries a figure of \$650 million for 1 year.

Mr. BROWN of Ohio. That is correct.

Mr. SMITH of Virginia. It is claimed that this bill is \$325 million less than

Public Law 86-238
86th Congress, H. R. 6000
September 8, 1959

AN ACT

To amend title 28 of the United States Code to increase the limit for administrative settlement of claims against the United States under the tort claims procedure to \$2,500.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 28 of the United States Code is amended as follows:

(1) Section 2672 is amended as follows:

Tort claims.
Settlement.
62 Stat. 983.

(A) The catchline is amended to read as follows:

"§ 2672. Administrative adjustment of claims of \$2,500 or less."

(B) The first paragraph of section 2672 is amended by striking out "\$1,000", and by inserting in lieu thereof "\$2,500".

73 STAT. 471.
73 STAT. 472.
28 USC 2671-
2680.

(2) The analysis of chapter 171 is amended by striking out the following item:

"2672. Administrative adjustment of claims of \$1,000 or less."

and by inserting the following item in place thereof:

"2672. Administrative adjustment of claims of \$2,500 or less."

(3) Subsection (b) of section 2401 of title 28, United States Code, is amended by striking out "\$1,000" wherever it appears in such subsection, and by inserting in lieu thereof "\$2,500".

62 Stat. 971.

Approved September 8, 1959.

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